

REMARKS

Claims 1-13 are pending in this application. Claim 1 is currently amended. New claim 29 has been added. Upon entry of this amendment, claims 1-13 and 29 are pending in this application.

Amendments

Amendment and/or cancellation of certain claims is in no way an admission or acquiescence to the Examiner's rejection and is not to be construed as a dedication to the public any of the subject matter of the claims as previously presented. No new subject matter has been added.

Step c) of Claim 1 has been amended to recite "isolating said biochemical component of said infectious agent from said one or more biological samples." Steps d) and e) of Claim 1 have also been amended to clarify that the measuring and calculating refer to the "biochemical component of said infectious agent." New claim 29 has been added to indicate that the isolating is conducted by ultracentrifugation. Support for these amendments may be found throughout the originally filed specification, and at least on page 26, lines 28-30. No new subject matter has been added.

Claim Rejections Under 35 USC § 102(b)

Claims 1-13 remain rejected under 35 U.S.C. 102(b) as being anticipated by Hellerstein (U.S. Patent No.: 6,010,846, "Hellerstein").

In the Office Action dated May 23, 2008, the Examiner stated that "Hellerstein's separation of T cells (containing both viral and host DNA) from blood (bodily fluid) meets the limitation of step c)." The amended claims now require isolating the biochemical component of the infectious agent from the biological sample. Therefore, Hellerstein's separation of T cells (containing both viral and host DNA) from blood (bodily fluid) no longer meets all the limitations of step c). Because Hellerstein does not teach every element of the present claims, the reference is not anticipating prior art. Applicant respectfully requests that this basis for rejection be withdrawn.

CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No.: 03-1952** referencing **Docket No.: 416272003600**. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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Respectfully submitted,

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